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J. H. A. LOKIN, R. MEIJERING, B. H. STOLTE and N. VAN DER WAL (EDS), *THEOPHILI ANTECESSORIS PARAPHRASIS INSTITUTIONUM*. Groningen: Chimaira, 2010. Pp. liv + 1048. isbn 9789076892191. €295.00. J. H. A. LOKIN, *ANALECTA GRONINGANA AD IUS GRAECO-ROMANUM PERTINENTIA*. Groningen: Chimaira, 2010. Pp. xiii + 294, illus. isbn 9789076892207. €110.00.

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The impressive and weighty, if rather expensive, Theophilus volume represents the fruits of the thirty-year project of a team of Groningen Byzantine legal historians, headed by Jan Lokin, to

produce a new edition of the *Paraphrasis*, a Greek lecture course on the Latin *Institutes* of Justinian by Theophilus, *antecessor* (law professor) at Constantinople. The project was announced in Lokin's inaugural lecture (June 1978) and the finished volume unveiled at his retirement (January 2010). It is the logical successor to the Groningen Basilica edition (17 volumes, 1953–1988), being the only work by a sixth-century *antecessor* surviving intact in Greek. Previously the standard edition was that by Contardo Ferrini (2 vols, 1884–1897), often regarded as inadequate, especially for its inconsistent and inaccurate reporting of the manuscript evidence (xli–xliii). The editorial team has engaged with all the manuscripts (described at xxviii–xxxvi), including the lost Messanensis, rediscovered by Lokin at Kiel in 1974, and one from Mount Athos (Ferrini only knew the first at second-hand, and the second not at all). Although unable to construct a *stemma codicum*, their edition attempts to recreate the earliest recoverable form of the text, generally following the two oldest witnesses, the Messanensis (Me) and Paris Graec. 1364 (Pa), but following Athos (A) and Paris Graec. 1366 (Pc) where these are deficient or nonsensical. The result is a text which, although not in fact so far from that of Ferrini, is solidly grounded upon the manuscript evidence (xlii–xliii).

The most significant divergence between this and previous editions relates to its opening. The *Paraphrasis* as transmitted is acephalous, starting only at title I.2. Most manuscripts preface it with a Greek version of the constitution *Imperatoriam Maiestatem*, with which all previous editions have begun, following it with some replacement text for the missing title. The new editors have decided to make the defective opening starkly clear, leaving title I.1 blank, with text and translation starting only at I.2. Further, they argue (xxvi–xxvii) that the Greek version of *Imperatoriam Maiestatem* was unlikely to have formed part of the original lecture course and is probably not Theophilus' work at all, but the work of an unknown sixth-century contemporary, possibly not even a lawyer. Its association with Theophilus is the choice of later medieval copyists, compensating for the work's absent opening. Thus the editors relegate it to form an afterword (950–5), followed by the Greek rubrics and *index titulorum*, also later additions (956–65).

A further point is that Theophilus clearly shows that the passage of Homer (*Odyssey* 17.78–83) cited in *Institutes* 2.7.1, but missing almost entirely in the medieval Latin manuscripts, should in fact be restored there verbatim. Theophilus himself did not quote it (262), although he does quote Homer elsewhere, sometimes more extensively than his source (674; *Institutes* 3.23.2, *Digest* 18.1.1).

Ferrini had fortified his edition with a facing Latin translation, often too close to the Latin *Institutes* compared to Theophilus' Greek. The new edition provides a facing English translation by rescuing from the archives at UCL (MS ADD 22 and 25) one made in 1897–1901 by Alexander Falconer Murison (Professor of Roman Law, UCL, 1883–1925) from the edition of Reitz (1751). Murison never published his translation, in the hope of first revising the Greek text, a project left unfinished, despite almost thirty years engaging with the editions and manuscripts (see S. Corcoran, 'Murison and Theophilus', *BICS* 53/2 (2010), 85–124). Murison's translation is extremely fluent and accurate, if now seeming a little archaic (e.g. 'gentile law' for the *ius gentium*), but has been left largely untouched except where the new Greek text now differs in sense (xliv–xlv).

In addition to the detailed and indispensable survey of manuscripts and editions, the introduction gives much needed background to the author and his text. The nature of the *Paraphrasis* as a didactic work is made clear (ix–xiv). It is more than a translation of the *Institutes*, but contains much expansion and recapitulation needed for the student. There is the use of protheories (explanatory background), *θεματισμοί* (fictitious example cases), and *ἐρωταποκρίσεις* (questions and answers). One problem remains unsolved: is the *Paraphrasis* a conflation of the two-part lecture course demonstrated as typical for the sixth-century law schools by Scheltema? In this scenario an initial series of lectures provided a summary (*index*) of the text in Greek fortified with additional explanation, followed by a second series giving commentary on the original Latin (τὸ ὀρθόν), noted by students in the margin of the text as *παράγραφαί*. Falcone has challenged this, suggesting a single organic lecture course. The editors remain agnostic and, indeed, it is difficult to judge, since it is not clear who put the text into its current form. Is it an official production by or for Theophilus himself, or notes written up by an assiduous student from his lectures (xiv–xviii)?

By contrast with this uncertainty, the editors firmly reject the old idea, favoured by both Ferrini and Murison, that Theophilus was not the author of the *Paraphrasis* (xviii–xx). Theophilus, himself one of the co-authors of the *Institutes* (November 533), wrote the *Paraphrasis* for that same academic year (533/4). He may have died soon after, since he is not mentioned in connection with the revised Justinian Code (November 534), and his *Digest* lectures seem never to have progressed much beyond the first-year syllabus (ix, xxi–xxii).

The editors plan to move on to the scholia (li), since the only edition is unreliable and incomplete (Ferrini's based on one Paris ms), while a fuller more accurate edition from three Paris mss by Murison never made it into print (UCL MS ADD 22). There is much to be gained from a new edition of these, illuminating both the sixth-century life of *Institutes* and *Paraphrasis* (the latter apparently swiftly replacing the former as the default text) and their Byzantine afterlife.

The volume is already so large that its lack of a commentary occasions no surprise. Much necessary Roman legal background is readily available from the many editions of the Latin *Institutes*. Readers of English may well turn to the version by Birks and MacLeod (1987), together with E. Metzger (ed.), *A Companion to Justinian's Institutes* (1998). However, this new edition and translation will make accessible (*pace* the price!) a key work for understanding how the bilingual legal world of Justinian's era operated. This was the latest period when there was still sufficient Latin culture to enable the production of such a large edited corpus of Roman law as makes up the *Digest*, *Code* and *Institutes*. At the same time extensive teaching materials in Greek, if littered with terms in Latin, were required to reach the typical student now enrolled at the law-schools of Constantinople and Beirut.

Coinciding with the appearance of the *Paraphrasis* edition and his own retirement, a selection of twenty-four of Lokin's papers on Byzantine law published between 1976 and 2008 has been conveniently gathered into the volume *Analecta Groningana*. Since this contains six key articles on Theophilus (89–162), it serves as a suitable companion volume.

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